

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Philip Sieff, as Trustee for the
next-of-kin of Dawn Marie Pfister,

Case No. 15-cv-419 (PAM/DTS)

Plaintiff,

v.

ORDER

Brady Juell,
and the City of Chaska,

Defendants.

This matter is before the Court on the parties' Stipulation of Dismissal with Prejudice. (Docket No. 91.) On January 11, 2017, pursuant to the parties' stipulation of partial dismissal, the Court dismissed Count Two of the Complaint and terminated Defendant City of Chaska from this matter. (Docket No. 55.) On April 17, 2017, Plaintiff Philip Sieff, as Trustee for the next-of-kin of Dawn Marie Pfister, accepted Defendant Brady Juell's Rule 68 Offer of Judgment. (Docket No. 70.) The Clerk entered judgment in Sieff's favor in the amount of \$1,000,001.01 the next day. (Docket No. 71.) Sieff also filed a motion for attorney's fees. (Docket No. 72.)

The parties now seek to change the terms of their initial settlement. On May 9, 2017, the parties reached a separate agreement regarding the resolution Sieff's claims and motion for attorney's fees. The City of Chaska and the League of Minnesota Cities Insurance Trust ("LMCIT") agree to pay \$1,000,001.01 to Sieff under the terms of the previously accepted Rule 68 Offer of Judgment for full and final satisfaction of all of

Sieff's claims. Sieff agrees to withdraw his motion for attorney's fees and the City of Chaska and LMCIT agree to pay Sieff \$700,000 in attorney's fees and \$50,000 to settle Sieff's 42 U.S.C. § 1988 claim. The parties request that the Court dismiss Juell from this matter and withdraw the earlier judgment against him. The parties also request that the Court reinstate the City of Chaska as a Defendant, enter judgment in favor of Sieff and against the City of Chaska in the amount of \$1,000,001.01, and dismiss this case with prejudice and without any additional costs or disbursements to any of the parties.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The City of Chaska is **REINSTATED** as a Defendant in this matter;
2. The judgment in favor of Sieff and against Juell (Docket No. 71) is **WITHDRAWN**;
3. Defendant Brady Juell is **DISMISSED**;
4. Judgment is entered in favor of Sieff and against the City of Chaska in the amount of \$1,000,001.01;
5. The City of Chaska shall pay Sieff \$700,000 in attorney's fees and \$50,000 to settle the § 1988 claim;
6. Sieff's Motion for Attorney's Fees (Docket No. 72) is **DENIED without prejudice**; and

7. This matter is **DISMISSED with prejudice** and without any additional costs, disbursements, or attorney's fees to any party.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 23, 2017

s/ Paul A. Magnuson

Paul A. Magnuson
United States District Court Judge